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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,513	02/11/2004	Thomas J. Delaney	62347-30102	5264
7590 11/16/2005			EXAMINER	
Squire, Sanders & Dempsey L.L.P.			LAI, ANNE VIET NGA	
14th Floor			ART UNIT	
801 S. Figueroa Street			PAPER NUMBER	
Los Angeles, CA 90017-5554			2636	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action SummaryApplication No. ^{UK}

10/777,513

Applicant(s)

DELANEY ET AL.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings that are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

See attached form PTO-948.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-10, 11-14, 17-20, 21-22, 25-28, 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hsieh** [US. 4,922,226] in view of **Irwin** [US. 6,300,871].

In claims 1-3, 5, 11-14 and 21-22 **Hsieh** discloses a water level and temperature detector alarm device for a bathtub comprising a housing adapted to associate with a rim (side edge) of the container, a temperature sensor and a liquid sensor adjustable coupled to the housing (figs. 1-2); **Hsieh** fails to disclose transmitting sensed data to a remote receiver. **Irwin** teaches a RF temperature and humidity detector that displays locally the sensed data and also communicates the sensed data to a remote receiver (figs. 1, 17; col. 2, lines 23-35; col. 3, lines 18-35; col. 17, lines 35-45). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to have both local and remote alarm or display to effectively alert the user of operating condition of the sensor therefore saving the user time and effort.

In claims 7-10, 17-20 and 25-28, **Irwin** teaches a remote dialer for communication through a phone network, therefore pager or telephone is inherent (fig. 1). It would have been obvious vibrating pager, ring phone or on-off light signaling are common alerting modes existed in the marketable pager, phone, or alarm, the use of either mode is based on user choice.

In claims 32-33 and 35-37 **Hsieh** and **Irwin** combined discloses the method as claimed for the same reason stated above.

4. Claims 4, 6, 15-16, 23-24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hsieh** and **Irwin** in view of **Leach** [US. 5,772,490].

In claim 4, 6, 15-16, 23-24 and 34, **Hsieh** and **Irwin** combined does not disclose a pocketed housing, **Leach** teaches a U shaped housing for bath accessories comprising pockets, hand net hook, dish or receptacle on the sides or on the rim of the bathtub to allow the user arranging the bath accessories at his or her convenient (figures at front page and 4A). It would have been obvious to one of ordinary skill in the art at the time the invention was made, when a user want to add a sensor system to a bathroom, he or she can choose to arrange the sensor in the existing accessory housing at his or her convenient of use for saving effort of new installation and saving space.

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5. Claims 29-31 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hsieh** in view of **Leach** and further in view of **Hayashi** [US. 6,754,912].

In claims 29-30, **Hsieh** and **Leach** combined discloses a water level and temperature detector alarm and a pocketed housing for arranging bath accessories, however a display placed on the rim for displaying measured data is not disclosed; **Hayashi** discloses a water chamber for body cleaning comprising a water temperature sensor and a water level sensor (float switch) and a display unit (28, figs. 15 and 21), the display unit is attached to the chamber rim. It would have been obvious to one of ordinary skill in the art at the time the invention was made, when a user want to add a sensor or an accessory to a bathroom, he or she can always choose to arrange the sensor or the accessory in the existing accessory housing at his or her convenient of use for saving effort of new installation, and a display on the top rim is obviously facilitate the reading of measured data.

In claim 31, **Hsieh** discloses the sensor 4 is attached to an expansible end 21 therefore adjustable position for the sensor is inherent (figs. 1-2).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVL
11/08/05



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